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FEB 17 2004

OFFICE OF PETITIONS

In re Application of
Berry et al.
Application No. 09/497,422
Filed: February 3, 2000
Attorney Docket No. ARC 2914 US R1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2003, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to timely pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

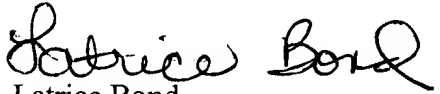
See MPEP 711.03(c)(III)(A)(1). Therefore, the filing of a continuing application is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1). In view of the authorization contained in the petition to change any additional fees due, the \$1330 issue fee will be charged to Deposit Account No.20-1469.

Petitioner is advised that the issue fee paid on in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

The application file is being forwarded to Technology Center AU 1615 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

¹ The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. The request and pertinent attachments should be addressed to Box Issue Fee. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. **Failure to request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.**

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

A handwritten signature in black ink that reads "Latrice Bond". The signature is written in a cursive style with a large, stylized "L" and "B".

Latrice Bond
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy